PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , JANUARY 8 , 19 91

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING January 8 ,19 91 , IN Regular SESSION. PRESIDENT Samuel J. Talarico IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY P , BURNS P , EDMONDS P ,
GiaQUINTA P , HENRY P , LONG P ,
REDD P , SCHMIDT P , TALARICO P ,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR December 18 ,19 90
,19 ,
SPECIAL ,19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 8th day of January, 1991, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 10th day of January, 1991.

Sandra E. Kennedy

City Clerk

The City of Fort Wayne

12 December 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

BILL NO. G-90-11-16

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
12th day of December 1990.

Robert Hutner
Secretary

FACT SHEET

G-90-11-16
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
North/South alley east of 1305 E Wayne St & North of Wayne St, to the intersecting alley.

Reason for Project
Improvements to residential landscaping and providing a safer play area for their grandchildren.

Discussion (Including relationship to other Council actions)

19 November 1990 - Public Hearing

See Attached Minutes of Meeting

26 November 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the following:

1) Revising the legal description to vacate only that portion of the alley south of the existing east/west alley, and

2) Providing utility easement and/or relocations as needed.

Of the nine (9) members present, eight (8) voted in favor of the motion, one (1) did not vote.

Motion carried.

NOTE: Conditions have been satisfied.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Alphonso & Catherine Hines City Department Other
Opponents	Groups or Individuals Maureen Blevens, 1322 E Berry Carolyn Blevens, 1322 E Berry Basis of Opposition -closing of alley would inconvenience the other residents using alley
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 18 October 1990

Projected Completion or Occupancy Date 12 December 1990

Fact Sheet Prepared by Date 12 December 1990
Patricia Biancaniello

Reviewed by Date 12-20-90
L. Maglozzi

Reference or Case Number

Bill No. G-90-11-16 - Vacation Petition #452
A north-south alley east of 1305 E Wayne St and
north of Wayne Street, to the intersecting alley.

Alphonso Hines, petitioner appeared before the Commission. Mr. Hines stated he was requesting the vacation for safety reasons. He stated that they have a high incidence of prostitution in the area. He stated that he would like to put in better lighting on this property. He stated that he would also like to be able to landscape the portion of alley closed. He stated he would not be doing all of this immediately with the exception of the lighting. He stated that he felt the vacating of the alley and the work he intends to do in the area would be an improvement in the area. He stated that it would not prohibit foot traffic it would only stop vehicle traffic.

Maureen Blevens, 1322 E Berry Street appeared before the Commission in opposition to the vacation. Ms. Blevens stated that she and her mother live on the north end of the alley and that her mother is blind in one eye and that they use this alley for access to her home by coming off of E Wayne Street and dropping her off at the corner of the alley and E Berry Street. She stated that E Berry is a very busy street and it is not easy to stop and allow someone to get in or out of the car.

Carolyn Blevens, 1322 E Berry Street stated that she too was in opposition to the vacation. She stated that she did not feel that lighting the alley was of much use to anyone because the alley does not get that much traffic. She stated that they use the alley daily because you can not stop your car on Berry and the alley is practically the only way to access the house at 1322 E Berry safely.

John Shoaff stated that there is an east/west alley that intersects the north/south alley that they want to vacate. He stated that he was of the understanding that the east/west alley would remain open.

Carolyn Blevens stated that there is an east/west alley but it dead ends.

Yvonne Stam questioned why the east/west alley from Schick Street was not passable.

Ms. Blevens stated that it is overgrown with bushes and there is no clear pathway through.

David Long questioned if it might be possible to work with the petitioners and perhaps get the east/west alley cleared so that it was passable. He stated that if it was cleared would that not give

them the access they needed.

Ms. Blevens stated that it will create a problem and make you have to go out of your way. She stated that they would be forced to drive out of their way a block to come down the alley off of Schick.

Mel Smith questioned how this alley is accessed in the winter if it snows, since the City does not plow alleys.

Ms. Blevens states that they have several friends who shovel the alley for them.

In rebuttal Mr. Hines stated that he felt this was a personal disagreement between him and the people in opposition and did not feel that it should have any bearing on the decision of the Commission.

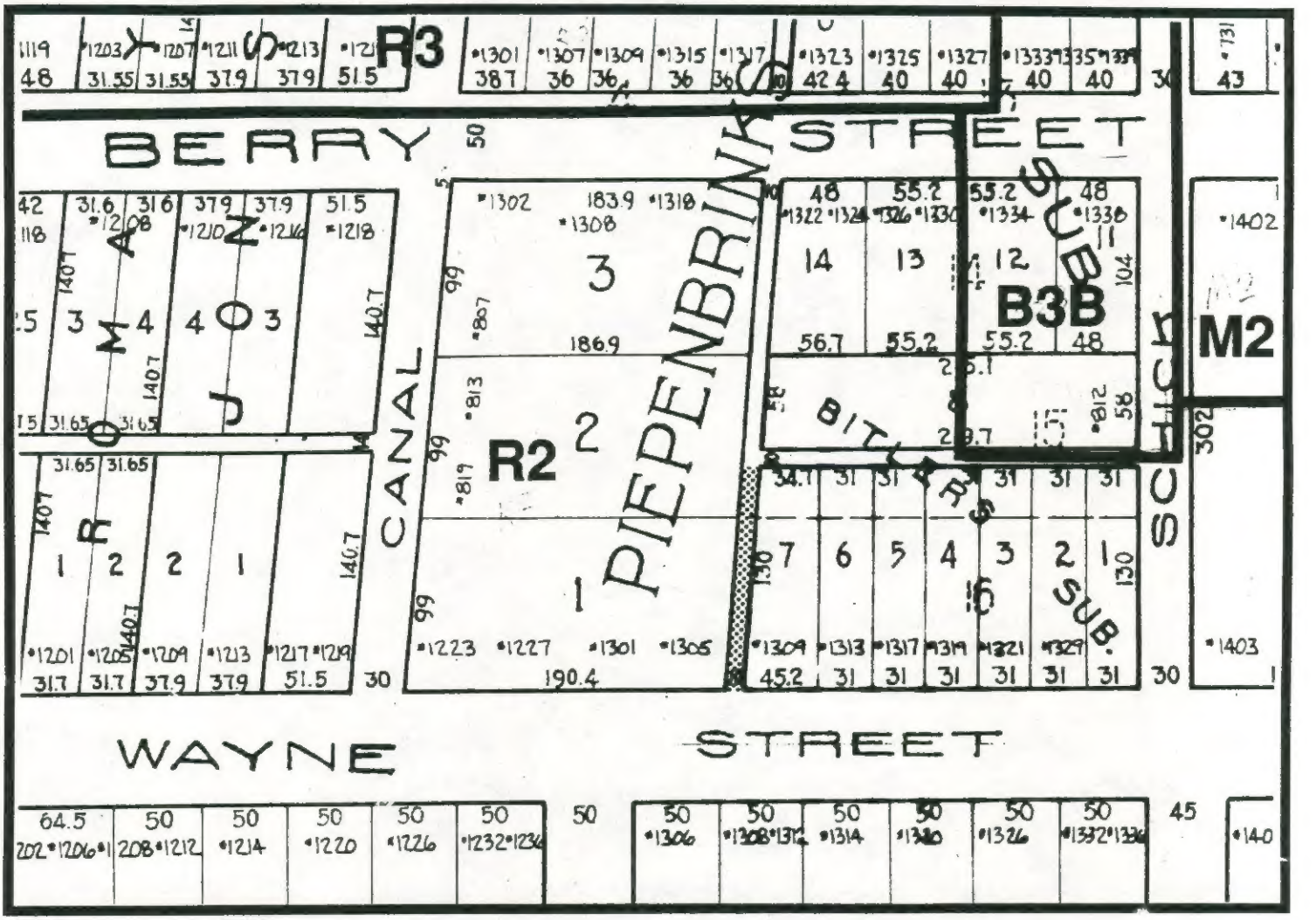
There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

VACATION PETITION #452

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC ALLEY.

MAP NO. **O-6**

COUNCILMANIC DISTRICT NO. **1**



ZONING:

M2 GENERAL INDUSTRY

B3B GENERAL BUSINESS "B"

R3 RESIDENTIAL DISTRICT

R2 RESIDENTIAL DISTRICT

LAND USE:

☐ *SINGLE FAMILY*

☐ *COMMERCIAL*

☐ *DUPLEX*

SCALE: 1"=100'

DATE: 10-29-90

Alphonso and Catherine Hines request the vacation of a portion of a public alley.

Location:	N/S alley east of 1305 E. Wayne Street and north of Wayne Street, to the intersecting alley.
Legal:	See file
Land Area:	Approximately 0.029 acres
Zoning:	R-2
Surroundings:	North R-2 South R-2 East R-2 West R-2
Reason for Request:	Improvements to residential landscaping and providing a safer play area for their grandchildren.
Neighborhood Assoc.:	East Central Neighborhood Association.
Neighborhood Plan:	No comment.
Comprehensive Plan:	No comment.
Landscape:	No comment.

Planning Staff Discussion:

The petition as submitted contains a legal description that would extend past the intersecting alley. In discussing this with the Hines's agent, it was determined that the intent was only to vacate to the intersecting alley, and that they would revise the legal description. We have caused the included map to reflect that revision.

The petitioners own an aggregate parcel that includes lots 4 through 7 of Bitlers Subdivision, and a portion of lot 1 in Piepenbrinks Outlots. They state that this alley is an extremely little used thoroughfare, and that once vacated would allow for increased property values. They wish to complete additional landscape projects and provide a safer play area for their grandchildren.

Vacation petitions are evaluated against an established criteria that includes the need for growth or orderly development, access to both public and private lands, impacts on property values and the general public interest.

We agree that the alley is apparently little used. The petitioners own the property on either side, and the properties to the north do not appear to use this portion of the alley for access needs. If vacated, the northern leg of this alley and the east/west alley would remain to serve those property owners. Failing to hear objections from the neighbors, we would recommend approval of the revised petition.

Recommendation: Conditional Approval, contingent upon the petitioners satisfying the following:

1) Revising the legal description to vacate only that portion of the alley south of the existing east/west alley, and

2) Providing utility easements and/or relocations as needed.

and for the following reasons:

1) Approval will apparent not hinder anyones use of public ways or access to public places.

2) Approval will allow improvements to be made to the area, and will place this portion of public right-of-way on the tax rolls.

RESOLUTION 78-330-4

WHEREAS, ALPHONSO AND CATHERINE HINES have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

> Starting at the Southeast corner of Lot #1 Piepenbrinks Outlots; thence extending North along the East lot lines of Lots #1 and #2 of said subdivision 130.0 feet to a point; thence East 10 feet parallel with the North right of way of Wayne Street to the Northwest corner of Lot #7 in Bitler's Subdivision; thence South along the West line of said lot 130.0 feet to the Southwest corner of said Lot #7; thence West along the North right of way line of Wayne Street to the Point of Beginning,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held DECEMBER 19, 1990 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 19 DAY OF DECEMBER 1990

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Michael McAlexander
Director of Public Safety

Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, ALPHONSO AND CATHERINE HINES have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley in Fort Wayne, Allen County, to-wit:

> Starting at the Southeast corner of Lot #1 Piepenbrinks Outlots; thence extending North along the East lot lines of Lots #1 and #2 of said subdivision 130.0 feet to a point; thence East 10 feet parallel with the North right of way of Wayne Street to the Northwest corner of Lot #7 in Bitler's Subdivision; thence South along the West line of said lot 130.0 feet to the Southwest corner of said Lot #7; thence West along the North right of way line of Wayne Street to the Point of Beginning,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on November 19, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held November 26, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 12th DAY OF December 1990

FORT WAYNE CITY PLAN COMMISSION

Robert Huthner
Secretary